

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

1. **Contracting Activity:** The Contracting Activity for this requirement is the Department of Veterans Affairs (VA), Veterans Health Administration, Network Contract Office (NCO) 2, VA Western New York Healthcare System (VAWNYHCS) – Batavia Site, 222 Richmond Avenue, Building 3 Room 103, Batavia, NY 14020. This purchase is for VISN 2 at the VA Western New York Healthcare System (VAWNYHCS) – Batavia Site, 222 Richmond Avenue, Batavia, NY 14020.
2. **Nature and/or Description of the Action Being Processed:** A contract is needed for the purchase and installation of ceiling mounted patient lifts for Ward B. These patient lifts must be of the same type as the rest of the existing lifts throughout the facility for patient and provider safety reasons. Ward B has been completely renovated to bring it up to current standards, however patient lifts were not included in this renovation. These lifts are needed promptly since the renovation will be complete in the near future.

The VAWNYHCS has specifically requested that the patient lifts in this newly renovated space come from the same manufacturer as the existing lifts throughout Buffalo and Batavia. Specifically, the practitioners are concerned about patient safety and the potential hazards that might occur through accidental use/misuse of one manufacturer's sling on another manufacturer's lift or improper lift operation due to confusion between different lift types. To support this request, the facility cited VHA EDM (2008) from Under Secretary for Health: Safe Patient Movement and Handling Initiative and Directive 2010-032, Safe Patient Handling Program and Facility Design. Further, the facility completed a NAC waiver request, which was ultimately granted in late August 2015. See P03 – W-FY15-0076 NAC Approved Waiver for more information.

The historical argument used to support the NAC waiver was based on patient and staff safety concerns. Over the past couple of decades, the inherent hazardous nature of providing patient care has been recognized. Biomechanical studies have shown patient handling and moving exceeds the biomechanical capabilities of workers. For this reason, a 35 pound lifting limit has been established for patient lifting and handling – substantially below the figure initially estimated as the maximum based on the lifting equation developed by the National Institute for Occupational Safety and Health. Employee injuries in VHA caused by moving patients represents a major source of preventable disability among staff, a major workers compensation claim expense, and a major cause of premature retirements and loss of staff productivity. VHA's injury management data system suggests a rate of at least double the national injury rate for patient lifting/movement injuries.

This procurement is for Hoyer patient lifts, which are sold by Joerns Healthcare. This will be a new, firm-fixed price contract. This contract will not include options.

These items will be procured under FAR 12 and 13.5. This procurement is for patient lifts and the associated systems in accordance with FAR 13.5 Test Program for Certain Commercial Items. Under this authority (specifically FAR 13.501 Special Documentation Requirements), acquisitions

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conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The items to be included in this contract are 625T Quick Trolley Systems, 1000C Quick Trolley Systems, X-Y Gantry Systems, Monorail Systems, Hoists, Slings (in a specific variety of sizes), and Service Manuals. This requirement will be procured as a standalone contract; there will not be any options included in the contract. The overall length of the contract will be no greater than one (1) year.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- (X) (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

This procurement will be completed under FAR 13.5 – Commercial Item Test Program. The authority for applying the FAR 13.5 Commercial Test Program is Section 4202 of the Clinger-Cohen Act of 1996.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The VAWNYHCS has a requirement for new patient lift systems in several locations at the Batavia facility. There are currently 70 Joerns (Hoyer) systems installed in numerous rooms at the facility. The facility is attempting to obtain patient lift standardization. Patient lift standardization includes many benefits such as greater familiarity with the functionality of the equipment by practitioners, interchangeability of the slings in all of the lifts, the same maintenance requirements, interchangeability of parts from one lift to another based on need, and consistent training on the use of one brand of lift. If different equipment was installed, nurses and other medical staff would have to know how to operate different equipment depending on what machine they were working on. This lends to problems with patient safety. For example, a nurse, doctor, or other healthcare provider would have to stop working with the patient to determine how to operate the patient lift if the type of lift differed in the various rooms of the hospital. This could potentially impact patient care.

In addition, significant concern exists regarding the utilization of the proper slings with the patient lift system. The patient lift slings are specific to each manufacturer and could potentially cause serious injury to a patient if the sling of one manufacturer is used in another manufacturer's lift unit. The slings used in these lifts come in direct contact with the patient and require laundering after each patient's use to avoid the spread of infectious disease. The slings are also a vital piece in a manufacturer's safe load rating for the patient lifts. If another manufacturer's sling is used on the

existing equipment, it will not be in a configuration that was used to conduct safe load testing and as a result will not be guaranteed by the lift manufacturer to operate safely at any load capacity. The hospital's operations are not sophisticated enough to determine what slings specifically go with which lift and are not directly taken from the lift to laundry, washed separately and returned to the lift of origin. Purchasing a patient lift that is not a Joerns (Hoyer) brand lift will result in potential liability against the VA in terms of the hospital becoming liable for the load capacity of the patient lifts and could result in a decrease of patient safety. Standardizing all patient lifts to Joerns (Hoyer) brand lifts is the only way to ensure that the lift parts are guaranteed to work interchangeably and safely.

Moreover, standardization will further enhance the facility's ability to provide cost-effective and timely maintenance of the systems. Standardized replacement parts and equipment allow for efficient, cost effective repairs. For example, standardization allows for interchangeability of motors. When a motor malfunctions, a local VA technician can cannibalize as needed to ensure heavily-used lifts remain in service. Additionally, technician training only will occur once if the facility installs the same brand of patient lifts throughout the facility.

Lastly, Patient Safety Alert AL14-07 dated July 28, 2014, mandates that all VHA facilities inspect their respective patient lift systems and provide a comprehensive, streamlined approach to its service and maintenance of its lifts. Standardizing lifts will allow for simplistic checklists to be used throughout the facility focusing on one manufacturer/style of lift systems. Multiple systems will require multiple preventative maintenance plans/checklists which may contradict one another, require different levels of inspection/maintenance depending on OEM standards, and increase costs due to multiple inventory levels for repair parts and components service and maintenance contract vehicles. See <http://vawww.recalls.ncps.med.va.gov/WebRecallAttachments/8439/AL14-07%20Ceiling%20Mounted%20Patient%20Lifts.pdf>.

The required Hoyer lifts are only available through Joerns Healthcare. These patient lifts and related items are commercial items available in both the public and the private sectors. Ultimately, this procurement will be completed under FAR 13.5 – Commercial Item Test Program. The authority for applying the FAR 13.5 Commercial Test Program is Section 4202 of the Clinger-Cohen Act of 1996. It should be noted that FAR 13.501(a)(1) states that “acquisitions conducted under simplified acquisition procedures are exempt from the requirements in Part 6”.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This procurement began in FY14, but was cancelled for a variety of reasons including funding concerns. At that time, a Request for Information (RFI) was posted on GSA Advantage for 7 days. This RFI sought to determine whether these Hoyer lifts and related items are available on the mandatory FSS 65. The responses to this RFI indicated that vendors did not have the Hoyer lifts on schedule, but that they would be willing to provide other lift systems under the “or equal” designation. Further, a sources sought was posted in late July 2014. This also resulted responses for alternate options (“or equal”), but no vendor was able to provide an exact match to the Hoyer system as is required by the Batavia VA facility. Since these market inquiries, the using service as well as the contracting facility have continued to survey the FSS in the hopes that these Hoyer lifts would be added to the FSS. However, up to date searches show that these lifts are still not part of the FSS. This was further confirmed through the NAC waiver process. The NAC granted the VAWNYHCS at Batavia a waiver from utilizing the mandatory FSS because these lifts are not

available through the FSS and the standardization of these patient lifts is critical to patient and provider safety.

In sum, Market Research was conducted using GSA, NAC, FBO, FPDS and Internet research in an attempt to find alternative sources for these products. The searches did not produce any results. See Section 8 below for more information.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost for these patient lift systems and accessories will likely be considered fair and reasonable.

Further, the Contracting Officer will ask for any available discounts during the solicitation period. Finally, the Contracting Officer will request verification that the VA price is no greater than the private sector price.

Ultimately, the Contracting Officer will utilize the estimate pricing data and the historically pricing data found below to evaluate the pricing provided in response to the solicitation. If the price falls within a reasonable differential, the price will be deemed fair and reasonable and the Contracting Officer will award a contract to the vendor. The Contracting Officer has no reason to believe that the vendor's quote will contain pricing outside of these ranges.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** There are several benchmarks that the Contracting Officer plans to utilize to determine whether the price provided by the vendor is fair and reasonable.

Please see the Market Research Report and files for more details.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Full and open competition was not utilized for this contract for the reasons stated in Paragraph 5 above. The installation of patient lift systems ensures the safety and health of the veteran patients and the VA employees. The installation of Hoyer (Joerns) patient lifts are required in this situation as that is the type of lift already used in these facilities. If different patient lift equipment was installed, nurses and other medical staff would have to know how to operate different equipment depending on what room they were working in, which lends to problems with patient safety. The rooms that will have new patient lift systems installed are currently without lifts. The longer this situation stays the same, the more likely patient safety will be compromised.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Joerns Healthcare is the only source that is capable of providing the required patient lifts. This company has expressed an interest in providing these items.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

The Contracting Office, Safe Patient Handling Coordinator, and Engineering will continue to evaluate alternative opportunities for its patient lift system needs. Although current market research indicates that there are no known, 100% compatible alternative solutions at this time, all efforts will be made to find alternative solutions for future requirements. The VA will continue to monitor and survey the market for existing VA and FDA approved solutions.

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12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

[Redacted Signature]
[Redacted Name]
Logistics Manager
VAWNYHCS

Date

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[Redacted Signature]
[Redacted Name]
Contracting Officer, NCO 2

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

[Redacted Signature]
[Redacted Name]
NCO 2 Division Chief, NCO 2

Date